



BOARD OF COMMISSIONERS LAPORTE COUNTY Office Annex

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William Hager,
President

Michael Bohacek,
Vice President

Barbara Huston,
Member

LAPORTE COUNTY COMMISSIONERS

TUESDAY, MAY 13, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, May 13, 2008 at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

Commission President William Hager called the meeting to order at 6:00 p.m.

Present at the meeting were Commission President William Hager and Commission Vice President Michael Bohacek. Absent was Commission Member Barbara Huston. Also present LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi and Executive Secretary Linda Arnett and newly hired Executive Secretary Reathel Noveroske.

PLEDGE OF ALLEGIANCE

Mr. Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bohacek made a motion to amend the agenda under correspondence to remove Mike Williams, President ITI/County Drug Testing and add Chief Sosinski, second by Mr. Hager, motion carried with a voice vote 2-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of April 1, 2008 & April 15, 2008, second by Mr. Hager. Motion carried with a voice vote 2-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Mr. Bohacek made a motion to approve payroll ending May 16, 2008 & May 30, 2008, second by Mr. Hager. Motion carried with a roll call vote 2-0.

Miscellaneous Claims—\$6,003,183.82 motion to approve by Mr. Bohacek, second by Mr. Hager, motion carried with a roll-call vote 2-0.

Regular Claims—\$2,744,796.05 motion by Mr. Bohacek to approve, second by Mr. Hager, motion carried with a roll-call vote 2-0.

CORRESPONDENCE

Jim Sosinski announced that this week is National Police Memorial Week and thanked everyone who attended the memorial service held May 9, 2008.

Chief Sosinski asked to address the Commission about an issue of “in the line of duty” injuries, especially when it prevents the public safety employees to return to work. Detective Shayna Mireles was injured April 26, 2007, having injuries that will not allow her to return to police work. The issue is to allow employees to keep their health insurance just as retirees are allowed to keep their insurance. Shayna Mireles was sent a letter stating that the county had terminated her health insurance and Chief Sosinski finds that to be a travesty. He is requesting that the Commission introduce an ordinance to address this issue. Chief Sosinski is willing to work with the Commission on an ordinance in this regard.

REQUESTS

George Hayes/ Request to Purchase County Property

Mr. Bohacek made a motion to table, second by Mr. Hager, motion carried with a voice vote 2-0.

Pat Pease, EMS Administrator/ Request Payment of Sick Days & Continuation of Health Insurance for Beverly Gayheart.

Mrs. Pease asked to remove her request for additional appropriation and work within her budget, request for health insurance only. Mr. Bohacek made a motion to approve the amended request, second by Mr. Hager, Motion carried with a roll-call vote 2-0.

Pat Pease, EMS Administrator/ Proclamation EMS Week

Mrs. Pease would like the Commission to proclaim next week, May 18, 2008 – May 24, 2008, as EMS Week, Mrs. Pease reads the Proclamation.

Mr. Bohacek made a motion to approve the Resolution, second by Mr. Hager. Motion carried with a voice vote 2-0. Resolution #2008-06.

Mrs. Pease I would like to let everyone know that on Wednesday, May 21, 2008 we will have a ceremony.

Pat Pease, EMS Administrator/ Recommendation for Diesel Exhaust System

Mrs. Pease, after reviewing four proposals, EMS has selected Air-Vac for \$24,582.00 and they are going to replace two units in the LaPorte base.

Mike Bohacek, I see installation and shipping in the amount of \$5,700.00, could you ask them to break this out.

Mrs. Pease, I will get the information.

Mr. Bohacek made a motion to accept, second by William Hager, Motion carried with a roll-call vote 2-0.

Mr. Bohacek made motion to have Mr. Hager sign on behalf of the board, second by William Hager, motion carried with a voice vote 2-0.

Union Mills 22nd Annual Mill Pond Festival/ Request Tourism Funds in the amount of \$500.00

Mr. Bohacek, made a motion to grant Union Mills \$500 for their Mill Pond festival, second by Mr. Hager. Motion carried with a voice vote 2-0.,

Indiana High School Rodeo/ Request Tourism Funds

No funds left for this request. Mr. Bohacek made a motion to deny this request, second by Mr. Hager, motion carried with a voice vote 2-0.

Tom & Deloris Maloney/ Request Street Name Change

Mr. Szilagyi suggested to table until next meeting.

Mr. Bohacek made a motion to table until June 3, 2008 meeting, second by Mr. Hager, motion carried with a voice vote 2-0. Mr. Bohacek, I want Mr. Hamilton to contact these people and let them know steps to take to change street name.

Darlene Hale, IT Director/ Request \$31,682.00 from CCD Fund for 31 new PC's for the Auditor's, Treasurer's and Assessor's Offices

Ms. Hale, these are replacement P.C's for the following offices 16 for the Treasurer's Office, 10 for Auditor's, and 5 in the Assessor's office, that number includes the counter P.C.'s for the LaPorte and Michigan City Treasurer's Offices.

Mr. Bohacek, what are we doing with the old ones?

Ms. Hale, some of them are eight years old and we will be donating them or using them for spares.
Mr. Bohacek, made a motion to approve and donate the old ones to the Boys & Girls Club, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

OLD BUSINESS

Attorney Ryan Beall/ Petition to Vacate Public Roadway

Attorney Szilagyi, there was publication.

Mr. Bohacek, any remonstrators against this?

Mr. Beall, No

Mr. McVay, I am not sure of the vacation they are talking about.

Attorney Ryan Beall, Chris Vogler owns home at 7542 N. Pottawatomie Trail, Saugany Lake, directly south of their house is an unimproved, by name only road, called Manistee Trail, the roadway only exists on the plat map. The Voglers would like to put a pole barn in the back of their lot. It has utility and South Shore Railroad easements and they would like to include this portion. They have notified all surrounding land owners.

Attorney Szilagyi questions area on the map and is informed it is the highlighted area that is 190 feet x 30 feet, do you have a form of ordinance.

Attorney Beall, yes I do.

Mr. Bohacek made a motion to table this to determine ownership of easement, second by Mr. Hager. Motion carried with a voice vote 2-0.

Mr. Szilagyi, it would be neither, it would be the South Shore.

NEW BUSINESS

Commissioners Support of Shovel Ready Program

Mr. Bohacek made a motion to approve, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Mr. Bohacek explains the Shovel Ready Program.

Robert Szilagyi, LaPorte County Attorney/ Resolution to Extend Re-Employment Rights to Certain Assessors & Deputies

Mr. Szilagyi, this is a Resolution to amend the County Personnel Policy which limits the period of time a person has and we ask to have a little bit of time to see if they could find jobs within the county because there are so many of them and we have extended it by ninety (90) days and they won't lose their seniority rights.

Mr. Bohacek, Mr. Szilagyi I would like to amend the Resolution on the first line whereas as a result of careless legislation I would like to strike that line and the third whereas the same and then I will make a motion to approve it as amended, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Resolution #2008-07

Rick McVay, LaPorte County Highway Engineer/ Proposal to Pave 555 Michigan Avenue Parking Lot

Mr. Hager, this was brought up by Mrs. Huston and she is not feeling well and could not be here this evening.
Mr. Bohacek, Mr. McVay that parking lot has numerous potholes and it would make it dangerous for handicap and elderly to navigate that parking lot, correct.

Mr. McVay, right it is due for improvement, they will do some leveling. I laid it out differently and we will gain some parking spaces.

Mr. Bohacek, can we patch this and get by with this?

Mr. McVay, we need to get it done properly.

Mr. Bohacek, motion to approve but prepare a quote so when you go to the council you will be prepared, second by Mr. Hager. Motion carried with a voice vote 2-0.

Rick McVay, LaPorte County Highway Engineer/ Additional Appropriation in the amount of \$159,575.00 from Riverboat or Major Moves for C.R. 950 West/300 North South of I-94 Sanitary Main & Water Main Extension

Mr. McVay, this is to put funds in place and we needed a large lift station we have been paying this out of EDC.

Mr. Bohacek, Mrs. Shuter how much do we have in Riverboat?

Mrs. Shuter, a little over four million.

Mr. Bohacek, made a motion to approve the funds requested out of Riverboat, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Robert Young, LaPorte County Highway Superintendent/ Agreement with Rieth-Riley 2008 Paving Program

Mr. Young, this is the agreement with Rieth-Riley to extend the paving prices from the year 2007 to this year and you all should have a copy.

Mr. Bohacek, made a motion to approve, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Robert Young, LaPorte County Highway Superintendent/ CREDIT Draw

Mr. Bohacek, made a motion to approve CREDIT Draw, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Robert Young, LaPorte County Highway Superintendent/ Additional Fuel Appropriation in the amount of \$230,000.00

Mr. Young, this is what it is going to cost us to get thru the year and explains the cost of fuel and we have had a lot of over time.

Mr. Bohacek, made a motion to approve, second by Mr. Hager. Motion carried with a roll-call vote 2-0.

Commissioners Approval of Professional Services Contract/ Maximus \$11,300.00

Mr. Szilagyi, I have reviewed the contract and it is okay.

Mr. Bohacek, Mr. Szilagyi is there a penalty clause in here for lack of performance?

Mr. Szilagyi, no.

Mr. Dawson, State Director for Maximus and we have been providing services for LaPorte County since 1977 and he explains direct and indirect cost.

Mr. Bohacek, how much do you recover for us a year.

Mr. Dawson we have recovered around one-hundred thousand a year for LaPorte County.

Mr. Bohacek, how much does the plan change from year to year?

Mr. Dawson, it goes into a breakdown and the budgets change from year to year.

Mr. Bohacek, Teresa is this something we can do in your office?

Mrs. Shuter, no not typically, it is a cost allocation study.

Mr. Bohacek, made a motion to approve, second by Mr. Hager. Motion carried with a voice vote 2-0.

Mr. Bohacek, I also will add to my motion to allow the president sign the agreement.

Commissioners Appointment to the Public Defender's Board

Mr. Bohacek, made the motion to reappoint Stan Hynek to the Public Defender's Board, second by Mr. Hager. Motion carried with a voice vote 2-0.

Mr. Szilagyi, before you get to the end of the agenda, I think you will have to amend the agenda because they were not on the agenda for bid openings for site work.

Mr. McVay, the reason we bid that out separate is so we can go with Reith-Riley on there annual bid to pave and the County Highway can come when we are doing it.

Mr. Bohacek, made a motion to add the site work for the new County Building at the Fair Grounds, second by Mr. Hager. Motion carried with a voice vote 2-0.

Mr. Bohacek, made a motion to close the bids for the site work, second by Mr. Hager. Motion carried with a voice vote 2-0.

Mr. Szilagyi opens the bids and Mr. McVay will review.

L.I. Combs & Sons, Inc. —\$207,234.24

Ritschard Brothers————\$207,248.90

Woodruff & Sons————\$152,612.75

Pavey Excavating————\$141,652.80

Reith-Riley Construction—\$108,684.25

Engineer's estimate is \$207,974.00

Mr. Hager made a motion to turn all bids over to the engineer for review and recommendation, second by Mr. Bohacek. Motion carried with a voice vote 2-0.

PUBLIC COMMENTS

Attorney Mark Phillips and I want to speak on behalf of my client Ted Reese and he is a property owner in Michigan Township. I have two matters I want to speak about, the first matter was taken care of by Commissioner Bohacek motion on the resolution on displacement of employees, so I have one matter to address and this is a violation of the open door law as it pertains to the recent litigation that was filed by LaPorte County and by this Commission against the Indiana Department of Local Government Finance. The decision to begin litigation has to be made at a meeting open to the public and we have been unable to determine because we haven't been able to find any documents as such there has been no such meeting and no publication of any such meeting that would allow this lawsuit be filed and at the cost of the county. I spoke to Mr. Szilagyi and he stated they were allowed in an executive session and I agree with that, the open door law allows you to discuss strategy with respect litigation, the final action must be taken in a meeting open to the public and it was not taken at a meeting open to the public in making this request there are timing issues. We are making a request that this be done properly the lawsuit was signed by Mr. Hager and indicates that it was filed on May 6, 2008 so if you are challenging an action of May 1, 2008 and action was taken on May 6 of 2008 there was no time to advertise. I would ask that this wrong be undone.

Mr. Szilagyi, I just got a copy of this the first thing there is Mr. Phillips is to verify the petition to take deposition which you already had pending litigation, which as far as pending litigation goes you are just asking for the depositions and not the filing of a lawsuit, so I don't see where there is a violation of the open door law.

Mr. Phillips I do appreciate your opinion, this is a piece of litigation because it targets the lawsuit on LaPorte County vs the DGLF there has not been any lawsuits pending to my knowledge previously to this.

Mr. Szilagyi, I appreciate you opinion but this current issue is only for the purpose of deposition and a continuation of that and you all know that if we wanted to object to something in trial we would have a meeting with the commission.

Mr. Bohacek, do we error on the side of prudence withdraw this and resubmit it at a meeting?

Mr. Friedman, in response to councils comments, Mr. Szilagyi is absolutely right this is a preliminary motion the litigation has not yet been filed in fact the page one indicates that prior to the institution of a petition for judicial review it would be our intent depending on what happens with the DGLF will come to this commission and get direction if we should file the petition for judicial review and as Mr. Szilagyi indicated this is a preliminary. It would be our intent to come before this commission to seek authority.

Mr. Bohacek, Mr. Friedman this is your opinion that this action was taken with no violation of the open door law?

Mr. Friedman, that is correct and we have taken a series of precautions to this point to protect the county interest and any petition for review we would seek authority from this commission at a public meeting.

COMMISSIONER'S COMMENTS

Mr. Bohacek, I know on May 15 the we are having a meeting on reassessment and I want to go on the record that I will not support any additional spending of county resources to fight the decision of the DLGF if it is to reassess or not.

Mr. Hager, tonight is Linda Arnett's last meeting with us as the Commissioners Secretary she is going on to her son and he has hired her into the family business and we wish her all the happiness and we thank her so much for being with us and she has been a tremendous asset to us.

Mr. Bohacek, Linda you have been a valuable asset to me in my first term.

ADJOURN

Commissioner Hager adjourned the meeting at approximately 7:15 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

William Hager, Commission President

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Michael Bohacek, Commission Vice President

Barbara Huston

Barbara Huston, Commission Member

ATTEST: *Teresa Shuter*

Teresa Shuter, LaPorte County Auditor